

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:09cv326

DAVID E. NOLEN,)
)
Plaintiff,)
)
vs.) O R D E R
)
AMERICAN GENERAL LIFE)
AND ACCIDENT INSURANCE)
COMPANY,)
)
Defendant.)
)

THIS MATTER is before the Court on the Plaintiff's Motion to Remand Back to State Court [Doc. 5], filed September 1, 2009.

With the consent of the Plaintiff's counsel, counsel for the Defendant has contacted Magistrate Judge's chambers staff and advised that the Defendant consents to a remand of this case and that the Plaintiff has agreed to withdraw his request for an award of costs and expenses pursuant to 28 U.S.C. § 1447(c). [See Doc. 5].

Based upon the representations of counsel, and for cause shown, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion to Remand Back to State Court [Doc. 5] is **GRANTED**, and this matter is hereby **REMANDED**

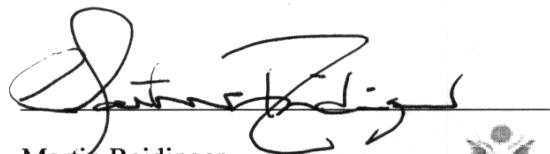
to the Rutherford County General Court of Justice, Superior Court Division,
for such further proceedings as may be required.

IT IS FURTHER ORDERED that the Plaintiff's request for an award
of costs and expenses pursuant to 28 U.S.C. § 1447 [Doc. 5] is hereby
DENIED as withdrawn.

IT IS FURTHER ORDERED that the Clerk of Court is directed to
close this case.

IT IS SO ORDERED.

Signed: September 3, 2009



Martin Reidinger
United States District Judge

